

IN THE UNITED BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT

IN RE:
JAY ALLEN MATTHEWS

CASE NO. 16-30257
CHAPTER 13

Debtor

TRUSTEE'S MOTION TO SET SHOW CAUSE HEARING AS TO WHY THE DEBTOR
SHOULD NOT RECEIVE A DISCHARGE FOR FAILURE TO PROVIDE TRUSTEE
WITH COPIES OF MISSING TAX RETURNS

This day comes the Trustee and moves the Court to set a show cause hearing as to why the Debtor should not be denied discharge for failure to provide the Chapter 13 Trustee with copies of the tax returns.

In support of this motion the Trustee asserts as follows:

1. The Debtor has failed to comply with an order previously entered by the Court compelling Debtor to provide the Trustee with the 2016 Federal and State tax returns. Furthermore, tax returns are required to be turned over to the Trustee by 11 U.S.C. 521(f).
2. The Debtor's failure to turn over tax returns and allow the Trustee to determine the amount, if any, owed to the estate is a breach of the Debtor's duties.
3. The Debtor's failure to turn over tax returns and allow the Trustee to determine the amount, if any, owed to the estate results in all the funds due under the plan not being paid.
4. If all funds due under the plan are not paid, the Debtor is not entitled to a discharge pursuant to 11 U.S.C. 1328(a).

WHEREFORE, the Trustee prays the Court will set a hearing for the Debtor to show cause why Debtor should not be denied a discharge for failure to comply with Court's orders and the Bankruptcy Code to turnover to the Trustee the 2016 Federal and State tax returns.

/s/ Helen M. Morris

Helen M. Morris, Trustee

State Bar No. 2637

Susan Cannon-Ryan, Staff Attorney

State Bar No. 619

Chapter 13 Trustee

P O Box 8535

South Charleston, WV 25303

(304)744-6730

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the attached document was served upon the following parties in interest on the date this document was filed with the Court by the method shown below. Service by mailing a true copy via U.S. first class mail with postage pre-paid.

JAY ALLEN MATTHEWS
379 HAMON DRIVE
SCOTT DEPOT, WV 25560

Those parties who requested electronic service by filing notice with the clerk's office were served by electronic transmission.

/s/ Helen M. Morris

Helen M. Morris, Trustee
State Bar No. 2637
Susan Cannon-Ryan, Staff Attorney
State Bar No. 619
Chapter 13 Trustee
P O Box 8535
South Charleston, WV 25303
(304)744-6730